



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 065691/0222

In re patent application of

Pierre CHAMBON *et al.*

Serial No. 09/853,033

Group Art Unit: 1636

Filed: May 11, 2001

Examiner: Celine X. QIAN

Title: TRANSGENIC MOUSE FOR TARGETED RECOMBINATION MEDIATED BY
MODIFIED CRE-ER

RESPONSE TO RESTRICTION REQUIREMENT

RECEIVED

OCT 11 2002

TECH CENTER 1600/2900

Commissioner for Patents and Trademarks
Washington, D.C. 20231

Sir:

This communication responds to the office action dated September 9, 2002, concerning the above-referenced patent application. Although applicants believe that no fee is due, the Commissioner is hereby authorized to charge any deficiency to Deposit Account No. 19-0741, including any extension of time, and to treat this authorization as a petition for any extension of time determined to be necessary for this response to be considered timely.

REMARKS

The examiner has restricted pending claims 1-61 into eighteen groups. Applicants provisionally elect group I, claims 8, 10-15, 33 and 40-52, with traverse. It is noted that claims 1-7, 18 and 20 will also be examined in so far as they read on a fusion protein inserted into one or more chromosomes of the genome. Also, claims 19, 21-24 and 34 were not restricted into a particular group. Applicants respectfully assert that claims 19, 21-24 and 34 embrace the invention of group I and therefore should be examined together with group I.

In the action, the Examiner has required restriction between claims 8, 10-15, 33 and 40-52 (Group I), drawn to a fusion protein inserted into one or more chromosomes of the genomes and claims 9, 16 and 17 (Group II), drawn to a fusion protein integrated into an extra-chromosomal expression vector. Applicants believe that the subject matter of the claims of Groups I and II are sufficiently related to be examined together, and that such examination would not place an undue burden on the Examiner. MPEP 803 recites that if "the